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C O N F I D E N T I A L HARARE 000264

C O R R E C T E D C O P Y (ADDED CLASS MARKING PAR 4)

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STATE PASS TO USAID FOR J. HARMON AND L. DOBBINS
STATE PASS TO NSC FOR SENIOR AFRICA DIRECTOR MICHELLE GAVIN

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TAGS: [PGOV](#) [PREL](#) [ASEC](#) [PHUM](#) [ZI](#)
SUBJECT: ZIMBABWEAN PARLIAMENT'S PRIORITIES AND NEXT STEPS

Classified By: CDA Katherine Dhanani for reasons 1.4 (b) and (d)

SUMMARY

¶1. (C) Speaker of the House of Assembly Lovemore Moyo met with polecon chief and poloff on March 25, 2009 and discussed Parliament's next steps, legislative priorities, and role in promoting reform. Meanwhile, Deputy Prime Minister Arthur Mutambara addressed Parliament for the first time and candidly discussed his views of the new government, Zimbabwe's plight, and domestic and international responsibilities to achieve recovery.

¶2. (SBU) Parliament is also beginning to assume its role in evaluating government policy as cabinet ministers responded to public questions, including several on recent human rights abuses. END SUMMARY.

Parliament Building Capacity

¶3. (C) Moyo told us that Parliament was moving forward with establishing all the necessary legislative structures that would enable the House of Assembly (HOA) to carry out its legislative agenda. Most importantly, the instrumental Standing Rules and Orders Committee (SROC) was established on March 18. The SROC is responsible for formulating policies regarding the administration of Parliament, approving Parliament's budget, and, in conjunction with the Speaker, establishing the portfolio committees that shadow and monitor the performance of governmental ministries. The SROC and Speaker will also set up the powerful Parliamentary Legal Committee that evaluates the constitutionality of any bill introduced into Parliament.

¶4. (C) Moyo said that he planned to establish a Select Committee on the Constitution by mid April that will be charged with initiating the process of creating a new constitution. With respect to Commissions, and as prescribed by Amendment 19, he said he was working with the SROC to establish the functions of and provide for the appointments to the Zimbabwe Media Commission; to provide for the appointment of a chair of the Electoral Commission; and to provide for appointments of members of the Anti-Corruption Commission.

New Constitution is Top Priority

¶5. (C) Speaker Moyo made clear that his top priority was putting into motion the legislative process that would lead to a new constitution. While the Inter-Party Political Agreement signed in September 2008 laid out an 18-month timeline, Moyo suspected the process would take longer. The delay would be the result of lack of resources and the need to ensure that all stakeholders were included in a "people-driven Constitution."

¶6. (C) Potential delays in establishing a new constitution would likely push back elections, as the State would be unable to finance an election immediately after holding a nationwide constitutional referendum. Additionally, an audit of the voters roll in conformance with the new constitution of the voters roll in conformance with the new constitution would be necessary.

¶7. (C) Moyo emphasized that his primary goal was institutional reform and "deZANUfication" of society, including a cleansing of the police and military, which would take time. He believed that a period of peace and stability to accomplish this was more important than holding elections in the near term.

Parliament's Reform Role

¶8. (C) When pressed that the international community was looking to Parliament to generally promote reform and specifically repeal restrictive pieces of legislation such as the Access to Information and Protection of Privacy Act (AIPPA) and the Public Order and Security Act (POSA), Moyo replied that his priority was beginning the constitutional review process and then standing up the Commissions. AIPPA and POSA were not immediate priorities. With regard to POSA, he said that the problem was not so much with the Act, which was superior to the South African equivalent, but with arbitrary and unlawful enforcement by police. As to AIPPA, it could be improved with amendment; a complete rewrite wasn't necessary. He went on to explain that legislative reforms would have to come from Cabinet.

¶9. (U) Under Zimbabwe's government, in order to introduce a "public bill" - a bill that affects the interests of Zimbabweans at large -- the appropriate government ministry typically raises the bill for discussion in Cabinet. Upon gaining assent in Cabinet, the bill is drafted and introduced into Parliament. Parliament then evaluates the legality of the bill, makes any necessary amendments, and votes on it in both the HOA and Senate. Upon achieving a simple majority in both houses, it is then returned to the President for his signature. Once signed it becomes an "Act," is published, and enters into law.

¶10. (C) Moyo conceded that parliamentarians could independently introduce a private member's bill reforming or repealing AIPPA and POSA, but this held several disadvantages. Foremost, if passed by Parliament it would risk not being signed by President Mugabe because it would not have had the benefit of consensus building within the executive. Secondarily, the cost of the bill (primarily printing) would have to be borne by an individual MP rather than the government.

Ministers Discuss Hot Topics

¶11. (C) Deputy Prime Minister Arthur Mutambara gave his first speech to Parliament as an ex officio member of the HOA. His speech was characteristically blunt and forthright as he discussed a range of issues including last year's elections, the new government, Zimbabwe's plight, the need for assistance and sanctions. He referred to the March 2008 presidential election as being inconclusive and dismissed the June 2008 run-off as "not an election, but a farce." He called for multi-party solutions that reflected the new reality of an inclusive government, and said that reform of AIPPA and POSA was a priority. Mutambara also stressed that Zimbabwe must rebrand itself as a country, after forming an international reputation for violence, corruption, and suffering. Farm invasions must stop because they deterred donor nations from assisting Zimbabwe.

¶12. (C) While the state media highlighted that Mutambara called for the lifting of restrictive measures and referred to U.S. President Obama's extension of sanctions for an additional year as based on "ignorance and arrogance," in reality his comments were more tempered. Mutambara first said there were two types of sanctions: Those imposed on Zimbabwe by itself and those imposed by others. The first type included disregard for the rule of law, violence against fellow Zimbabweans, corruption, and failed policies. Zimbabweans had the authority to lift these sanctions themselves; then the international community would lift external sanctions.

¶13. (C) The March 25 plenary session of Parliament's HOA also marked the reintroduction of question time, where MPs ask policy questions of ministers. For some of the questions, ministers are given advance notice and read prepared statements. Several of the questions referred to human rights abuses including violence in the Chiadzwa diamond fields and inhumane conditions in Zimbabwe's prisons.

¶14. (C) Obert Mpofu, the minister of Mines and Mining Development and a ZANU-PF and Mugabe loyalist, in response to a question on Chiadzwa, stated that neither the police nor the military had been responsible for any deaths in the diamond fields. While Mpofu acknowledged that a military operation had cleared the area of panners, he refuted that violence had been used. The MDC half of Parliament responded that his argument was ludicrous as both the independent press and NGO groups have reported that the police and military are behind the deaths of several hundred panners.

¶15. (C) Mpofu's assertion was undermined by Home Affairs Minister Giles Mutsekwa of the MDC-T who was asked why it had taken five days to remove dead bodies from the cells of Mutare Remand Prison -- a situation that had come to light from statements by formerly incarcerated MDC official, Roy Bennett. Mutsekwa responded that the city morgues had refused to accept any more bodies from the prison because they were full. Unstated was that this was likely due to the violence in nearby Chiadzwa.

COMMENT

¶16. (C) It appears likely that international community expectations for swift action by Parliament on specific measures will not be met. Parliament has its own priorities, chiefly constitutional reform, and this will be a lengthy process. High-profile issues such as POSA and AIPPA are of lesser priority and will be dependent upon consensus within Cabinet. Nevertheless, Parliament will play an ongoing role in holding government accountable through oversight by portfolio committees and through questioning of ministers in Parliament.

¶17. (C) Of crucial importance in the short term is the establishment of the Media Commission to open up media space by allowing the introduction, for example, of independent weekly newspapers and the legal presence of international journalists. Moyo indicated he would move forward with this in April; we will follow this issue closely. In the meantime, however, international journalists accompanying Ministers from Norway and Denmark had no difficulty obtaining visas and accreditation--once they paid the steep \$1,500 temporary accreditation fee. END COMMENT.

DHANANI